IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 16099 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SUVARNA WD/O DILIPBHAI PATIL - Petitioner(s)
Versus
CENTRALIZED ADMISSION COMMITTEE FOR PTC COURSES - Respondent(s)

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Appearance :
MR DIPAK R DAVE for Petitioner(s) : 1,MR DIPAK D JOSHI for Petitioner(s) : 1,
MR SIRAJ GORI AGP for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 31/07/2006

ORAL JUDGMENT

1. The petitioner is a widow. She is seeking admission to PTC college in Marathi medium. The grievance of the petitioner is that she is not held entitled to compete for the reserved quota for the widows in view of certain peculiar facts.

2. Shortly stated facts leading to the petition are that the petitioner is qualified to seek admission to PTC course. She is entitled to be admitted to PTC course in Marathi medium. The case of the petitioner is that the State Government has provided for reservation in favour of widow candidates by a resolution dated 14th September, 1995. This resolution however, provides for reserving one seat for the widow candidate for every class in girls college. It may be noted that this reservation is in addition to the reservation made in favour of widow candidates along with Socially and Educationally Backward Class candidates. It is the case of the petitioner and to which there is no serious dispute that in the State of Gujarat there is not a single PTC college in Marathi medium which is conclusively

for women. On account of this, the petitioner is unable to avail of the benefit of reservation as provided by the State Government in its resolution dated 14th September, 1995.

2.1. Initially though the petition was filed with the above grievance in mind, during the pendency of the petition, the petitioner was permitted to amend the petition so as to include her claim for admission in the reserved quota for widows along with SEBC candidates.

3. Having heard learned advocates for the parties, I find that the State Government has formulated a policy for reserving certain number of seats in favour of widow candidates. This policy is circulated on 14th September, 1995. It clearly provides that one seat per class will be reserved for widow candidates in all women institutions. Admittedly, there is no conclusively girls college in the State of Gujarat imparting education in Marathi medium for the PTC course. In that view of the matter, the petitioner cannot avail of the Government

policy providing for reservation to such candidates.

3.1. Being a matter of policy, it would not be possible for this Court to direct the Government to provide for reservation to widow candidates in other colleges also. The Government has a specific purpose in mind while formulating such a policy. It would not be possible for this Court to direct the Government to enlarge the policy and to provide for further reservation in this regard.

4. It may however be noted that the circular dated 14th September, 1995 itself clearly envisages that such reservation in favour of widow candidates will be outside of reservation already provided for such candidates along with SEBC students. On a resolution dated 28th October, 1994 the State Government has provided for reservation in favour of various categories of candidates. Circular provided inter alia that 7% of the seats shall be reserved for SC candidates, 14% of the seats for ST candidates and 27% of the seats for candidates belonging to Socially and Educationally Backward Class, widows and orphans.

Rule 4(1) as amended by the Government Resolution dated 28th October, 1994 in Gujarat Educational Institutions (Pre Primary and Primary Teachers Training Colleges) Rules, 1994 reads as follows:

> "4(1) Out of the total seats available in the first year classes in an institution there shall be reserved-
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> (i)7% of the seats for candidates belonging to Scheduled Castes,
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> (ii)14% of the seats for candidates belongng to Scheduled Tribes,
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> (iii)27% of the seats for candidates belonging to Socially and Educationally backward classes, widows and orphans, and
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> (iv)2% of the seats for Economically backward classes whose income does not exceed rupees eleven thousand per annum and live below poverty line and not belonging to any of the class of above category".

5. From the above Rule it can be seen that widows and orphans are clubbed together with Socially and Educationally Backward Class for 27% reservation out

of the total number of seats available. Thus, the petitioner who is widow candidate can avail of such reservation along with other eligible candidates belonging to specified category of candidates. Thus, the petitioner can compete for 27% reserved seats for PTC courses along with Socially and Educationally Backward Class and orphans.

6. In view of the above conclusions this petition is disposed of with the direction that the respondents shall consider the case of the petitioner for admission to PTC courses in the 27% reserved quota of seats alongwith SEBC candidates as well as orphans as provided in the above mentioned rules. The petitioner subject to being meritorious within the said section of candidates, shall be granted admission as per Rules as provided herein above.

7. In view of the above directions, the petition is disposed of. Rule is made absolute. No costs.

Direct service permitted.

(Akil Kureshi, J.)

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